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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.			
09/964,277	09/25/2001	Ralf M. Luche	200125.434	9940			
. 500	7590 09/27/2005	EXAMINER					
	ELLECTUAL PROPERT	YU, MISOOK					
701 FIFTH A SUITE 6300	- · -	ART UNIT PAPER NUMBER					
SEATTLE,	WA 98104-7092	1642					
			DATE MAILED: 09/27/2009	5			

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Commence	09/964,277	LUCHE ET AL.
Office Action Summary	Examiner	Art Unit
· · · · · · · · · · · · · · · · · · ·	MISOOK YU, Ph.D.	1642
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	ely filed the mailing date of this communication. (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 19 Ma	av 2005.	
·_ · · · · · · · · · · · · · · · · · ·	action is non-final.	•
3) Since this application is in condition for allowan		secution as to the merits is
closed in accordance with the practice under E	•	
Disposition of Claims		·
4)⊠ Claim(s) <u>51 and 55-68</u> is/are pending in the ap	olication.	
4a) Of the above claim(s) is/are withdraw	n from consideration.	
5)⊠ Claim(s) <u>51 and 56</u> is/are allowed.		
6)⊠ Claim(s) <u>55,57,58 and 63</u> is/are rejected.		
7) Claim(s) is/are objected to.		
8) Claim(s) are subject to restriction and/or	election requirement.	
Application Papers		
9) The specification is objected to by the Examiner	•	
10) The drawing(s) filed on is/are: a) acce		xaminer.
Applicant may not request that any objection to the o	• • •	
Replacement drawing sheet(s) including the correcti	•	• •
11) The oath or declaration is objected to by the Ex		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign	priority under 35 II S C & 110(a)	(d) or (f)
a) ☐ All b) ☐ Some * c) ☐ None of:	priority under 33 0.3.0. § 119(a)	-(d) or (i).
1. ☐ Certified copies of the priority documents	have been received	
2.☐ Certified copies of the priority documents		on No
3. ☐ Copies of the certified copies of the priority		· · · · · · · · · · · · · · · · · · ·
application from the International Bureau		u iii tiiis National Stage
* See the attached detailed Office action for a list of		d
	or the corumou copies flot resolve	u.
Attachment(s)	, 	
1)	4) Interview Summary Paper No(s)/Mail Da	
Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)

Application/Control Number: 09/964,277

Art Unit: 1642

DETAILED ACTION

Response to Amendment

The amendment filed on 5/19/2005 has been entered, and the finality of that action is withdrawn, and the prosecution is re-opened for the following reasons:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 55, 57, 58, and 64 are rejected under 35 U.S.C. 102(e) as being anticipated by either WO 02/10363 (IDS AM filed on 08/12/2002, priority date of 10 August 2000 to US Provisional 60/224,309).

Claims 55, 57, 58, and 64 are drawn to an isolated polypeptide encoding a polypeptide encoded by the polynucleotide at least 90% identical to SEQ ID NO: 20, wherein the polypeptide comprises an amino acid sequence VHCLAGISRS (SEQ ID NO:16), wherein the polypeptide has phosphase activity on the activated MAP-kinase.

WO 02/10363 (US Provisional 60/224,309) discloses an isolated polypeptide encoding a polypeptide encoded by the polynucleotide at least 90% identical to the instant SEQ ID NO: 20, wherein the polypeptide comprises an amino acid sequence

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SEQ ID NO: 16, and also teaches vector comprising the polynucleotide, and host cell comprising the vector at pages 34-38. Note the attached Exhibit A (sequence alignment).

The specification at page 12, 1st full paragraph discloses that the instant SEQ ID NO:16 is the domain that contains the active site. Since the polynucleotide sequence encoding the phosphase of the prior art contains the instant SEQ ID NO:16 as evidenced by the sequence alignment, the protein encoded by the polynucleotide of the prior art inherently has the claimed functional characteristic in view that the structure of the claimed invention and the prior art are the same.

Allowable Subject Matter

Claims 51 and 56 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU, Ph.D. whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MISOOK YU, Ph.D.

Examiner Art Unit 1642

2717 CCCTACCATTTTCCACGTTGTGCTACTAAGAGATCTCAAATATTAGTCTTTGTCCGGACC 2776	2657 GAATTAGACATCCTCTTGTTCTTAAAAAAGCAAGTGTCTTTGGTGTTTGGAGGACAAAATC 2716 	2597 AAAAATTOGAAGGGCAGATTGCTAGAATCCCCCCTAGACGGGAGGAAAACCATTTTATTCAGT 2656	2537 AACCCAGTTGTTACTCTCTAACATCTGCATTTGAGAGATCAGCTAATACTTCTCTAAC 2596	ATGTACATACATATATTTTTTGGAAAATGGAGCTATGGTGTAAAAGCAACAGGTGGATC	2417 CTATAGACAATTTITTTTTTCTTGACAAAAAAATTCCCTGTAAATCTGAAATCTGAAATATATAT	2357 AGCTTTTCGGGCAGCATGGAAATCATTGAGGTCTCCTGAGAAGAAAAAACACACZTGTGACTT 2416	2297 GAGAGCATCATGTCAGAGAACAGGTCACGGGAAGAGCTGGGGAAAGTGGGCAGTCAGT	2237 CATGAAGAGAGCCCCTTTGAAAAGCAGTTTAAACGCAGAAAGCTGCCAAATGGAATTTGGA 2296	2177 GTCTATTCTGTGGGCAGGCGGCAGAAGCCAAGTGACAGAGCTGACTGGCGGGGGAAGCTGG 2236	2117 GGAGGCAGTGCCAGTTACTCTGCCTACAGCTGCAGCCAGC	2057 ACCAGCAGCTGGTATTTTGCCACAGAGTCCTCACACTTCTACTCTGCCTCAGCCATCTAC 2116	1997 CTGGGCCTTAAGGGCTGGCACTCGGATATCTTGGCCCCCAGACCTCTACCCCTTCCCTG 2056	1937 CACACCAGCTICCTITITCGGCCTITICCACCAGCCAGCAGCACCTCACGAAGTCTGCTGGC 1996	1877 ACCGCCCAGAGGTCCCTTTTATCTCCACTGCATCGAAGTGGGAGGGTGGAGGACGACTTAC 1936	1817 GCCAGGCCTTCAGACAGCCAAGCGATTYCATTCGGTCAGAACCAGCAGCAGTGGC 1876	1757 CAGACTCCCGAAACCAGTCCTGATAAGGAGGAAGCAGCATCCCCAAGAAGCTGCAGACC 1816	1697 ACTACTCTGGATGGGACCAACAAGCTATGCCAGTTCTCCCCTGTTCAGGAACTATCGGAG 1756	1801 GCAGCATCCTTACATGGCTTCTCCTCATCAGAAGATGCTTTGGAATACTACAAACCTTCC 1860
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26-JUL-2001; 2001WO-US023716.	WOZ00210363-A2.	Key Location/Qualifiers CDS 5382535 /*tag= a /product= "Protein_phosphatase_7_(PP7)"	Homo sapiens.	-acquised immunodefictency syndrome; thymic hypoplasia; anaemia; asthma; Crohn's disease; neurological disorder; epilepsy; Huntington's disease; dementia disorder; Pown's syndrome; dementia disorder; Down's syndrome; cell proliferative disorder; cancer; adenocarcinoma; leukaemia; lymphoma; melanoma; myeloma sarcoma; gene; ss.	Human-protein-phosphatage 7 (PP7) cDNA sequence. Human, protein phosphatase 7; PP7; hmmune system disorder; AIDS;	ABK14474; 08-MAY-2002 (first entry)	LT 3 4474 ABK14474 standard; cDNA; 3766 BP.	3317 AGATGAACTEGGTTEC 3332	TACCTCCCT		GRANTANTTTTTTCTTCTCAGCTTTATGAAGAAGGAAACTGTCTAGGATTCAGC	AGTCACACTTTTCAGACCAATTCAAACTGTCTATGCACAAAATTCCCGTGGGCCTAGATG	CTTIGACCACTACCATATCTGGTAGCCATTTCTAGCCATTGTAATAGGTAGCTAGC	AGGGCCTTGCCAAGGTCTACCTTAGAGCAAACCAGTACCTCAGACAGGAAAGTCGGGG	CARACCACGCTCACCTGACAGCCGAGGACACGAGCATTACTGATGCGACGATTACAGACCATTACAGCCGACGAGCATTACAGCCGACGACCATTACAGCCGACCATTACAGCCGACCAGCAGCAGCAGCAGCAGCAGCAGCAGCACCATTACAGCCGACCAGCAGCAGCAGCAGCAGCAGCAGCAGCAGC			2881 CCCTACCATTTTCCACGTTGTGCTACTAAGAGATCTCAAATATTAGTCTTTGTCCGGACC 2940

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03-AUG-2000; 2000US-02232729.
10-AUG-2000; 2000US-02243099.
18-AUG-2000; 2000US-02267289.
30-AUG-2000; 2000US-022549.
08-SEP-2000; 2000US-0231366P.
                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       The present invention relates to a new polypeptide, a naturally occurring amino acid sequence at least 95 % identical to it, a biologically active fragment of it or an immunogenic fragment of it. The polypeptides, polynucleotides, agonists and antagonists are useful for diagnosing, treating or preventing disorders associated with aberrant expression of protein phosphatases (PP), particularly immune system disorders e.g. acquired immunodefictency syndrome (AIDS), thymic hypoplasia, anaemia, asthma or Crohn's disease, neurological disorders e.g. epilepsy, Huntington's disease, dementia or Parkinson's disease, developmental disorders e.g. Down's syndrome, or cell proliferative disorders e.g. cancers including adenocarcinoma, leukaemia, lymphoma, melanoma, myeloma or sarcoma. The present nucleic acid sequence encodes human protein phosphatase 7 (PP7) which is one of several human protein phosphatases
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Walia NK, Kearney L;
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REGULT 4 ACC60559 standard; cDNA; 5450 BP. ID ACC60559 AC ACC60559 XX OT 19, UN-2003 (Figst entry) XX XX Polynucleotide relating to the invention SEQ ID NO: 108. XX OE Polynucleotide relating to the invention SEQ ID NO: 108. XX XX Gene; ss; antiproliferative; hepatotropic; nephrotropic; antiarthritic; XX XX XX Antipsoriatic; cardiant; cytostatic; gene therapy; liver disease; XX XX XX XX Inmunological disorder; arthritis; psoriasib, congenital heart defect;	3161 CITATICAAGAAGGAAACTGTCTAGGATTCAGCTGAACCACCAGGAACCTGGCAACA 3161	AGAGGAAACC GCCCATTTTC GCCCATTTTC GCCCATTTTC AACTGTCTAT	2861 AATCCAAGAGAAATGATCCTATCCAAAGCTGATTCACAAACCCACGCTCACCTGACAGCC 2920		>-> >->	2581 TCACAAAAAATTCCCTGTAAATCTGAAATATATATATATGTACATACA

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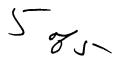
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60/224,309 8/18/2000 filed

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